REMARKS

I. INTRODUCTION

Claim 8 has been amended. No new matter has been added. Thus, claims 1-8 remain pending in the present application. In view of the above amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable.

II. THE 35 U.S.C. § 101 REJECTIONS SHOULD BE WITHDRAWN

Claim 8 stands rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. (See 3/20/08 Office Action p. 2). Claim 8 has been amended, thus, Applicant submits that the claim is now allowable and the 35 U.S.C. § 101 rejection should be withdrawn.

III. THE 35 U.S.C. § 103(a) REJECTIONS SHOULD BE WITHDRAWN

Claims 1-8 stand rejected under 35 U.S.C. § 103(a) as unpatentable over US Patent No. 5,778,359 to Stent (hereinafter "Stent") in view of U.S. Patent No. 6,995,309 to Samadani et al. (hereinafter "Samadani"). (See 3/20/08 Office Action, p. 4).

Stent describes a system and method for determining the file record format and characteristics of a data file of unknown file record format. A portion of an unknown file is obtained from a file source. The file is examined to determine whether the file is EBCDIC or ASCII encoded. Once the format is determined, the user may verify and modify the data. (See Stent Abstract). The data file is decoded for display to the user, and the decoded data file can be stored after decoding. (See Stent, col. 3, lines 25-45).

Samadani describes a system and method that allows users to find a song name, artist, and performance without having to proceed through many false results. (See Samadani

Abstract). Samadani compares the time signal of a microphone recorded music sample with other stored signals. If the time signals match, the song is played for the user, who must verify the correctness. (See Samadani, col. 5, lines 22-48).

Claim 1 recites, "concluding that the encoded signal has been encoded with said particular type of encoder if the derived fingerprint corresponds to one of the fingerprints stored in the database." The Examiner admits that Stent does not disclose this recitation, but asserts that the above recitation is taught by Samadani in col. 5 lines 34-41. (See 3/20/08 Office Action, p. 4). Applicant respectfully disagrees.

In Samadani, the user presents a captured music sample to the system. That music sample is converted into a sample time signal. Then, a sample feature vector based on that time signal is created. (See Samadani, col. 5, lines 20-27). The sample feature vector is compared to the feature vectors of songs stored in a database. "If a signal match waveform satisfies a decision rule, described in more detail below, the song corresponding to the matched time signal is played for a user." (See Samadani, col. 5, lines 38-41). If the user indicates that the song is not correct, then the next song choice is played, based on further comparison. (See Samadani, col. 5, lines 44-48). This technique is used to identify a song from a captured sample of that song. Samadani does not teach using a comparison to conclude what type of encoder was used to encode a signal. In fact, there is no mention of encoding in Samadani. Returning a song based on a sample is not the same as concluding a signal "has been encoded with said particular type of encoder" as recited in claim 1.

Thus, Applicant respectfully submits that neither Stent nor Samadani teaches or suggests "concluding that the encoded signal has been encoded with said particular type of encoder if the derived fingerprint corresponds to one of the fingerprints stored in the database." as recited in claim 1. Therefore, Applicant submits that claim 1 is patentable over the combination of Stent and Samadani. Because claims 2-4 depend from, and therefore include all the limitations of claim 1, it is respectfully submitted that these claims are also allowable for at least the same reasons given above with respect to claim 1.

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Independent claim 5 recites, "concluding that the received encoded signal has been encoded with said particular type of encoder if the derived fingerprint corresponds to one of the fingerprints stored in the database." Applicant respectfully submits that claim 5 is also allowable for at least the same reasons stated above with respect to claim 1. Because claims 6-7 depend from, and therefore include all the limitations of claim 5, it is respectfully submitted that these claims are also allowable for at least the same reasons given above with respect to claim 5.

Independent claim 8 recites, "conclude that the encoded signal has been encoded with said particular type of encoder if the derived fingerprint corresponds to one of the fingerprints stored in the database." Applicant respectfully submits that claim 8 is also allowable for at least the same reasons stated above with respect to claim 1.

CONCLUSION

In view of the above remarks, it is respectfully submitted that all the presently pending claims are in condition for allowance. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

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